

11-01-07

REE

Practitioner's Docket No.: 832\_001 DIV3

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: James F. Brown



Ser. No.: 10/798,857

Group Art Unit: 1641

Filed: March 11, 2004

Examiner: Christopher L. Chin

Confirmation No.: 7179

For: METHOD FOR DETECTING THE PRESENCE OF A SINGLE TARGET NUCLEIC ACID IN A SAMPLE

Mail Stop RCE  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 31, 2007 under "EXPRESS MAIL" mailing label number EM 05360 8420 US.

*Janet M. Stevens*  
 Janet M. Stevens

REQUEST FOR CONTINUED EXAMINATION  
 (37 CFR §1.114)

1. Applicant hereby requests continued examination, in accordance with 37 CFR §1.114, for the above identified application.
2. This request is being submitted:
  - i. ☒ Prior to abandonment of the application
  - ii. ☐ Payment of the issue fee
    - ☐ Prior to payment of issue fee
    - ☐ Issue fee has been paid but a petition under §1.313 was filed \_\_\_\_\_ (copy attached).
  - iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences
    - ☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.
  - iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or
    - ☐ Commencement of a civil action under 35 U.S.C. 146
      - ☐ Prior to the filing of such appeal or commencement of civil action
      - ☐ Such appeal or commencement of civil action has been terminated.

3. Please **Enter** and **Consider** the following *Previously Submitted Documents*:

- ☐ Amendment filed \_\_\_\_\_.
- ☐ Brief on Appeal filed \_\_\_\_\_.
- ☐ Other:

4. Enclosed herewith is/are:

- ☐ An Information Disclosure Statement and Form PTO-1449
- ☒ An Amendment
- ☐ New arguments
- ☐ New evidence in support of patentability
- ☐ Other:

5. The filing fee has been calculated as shown below:

RCE Filing Fee (37 CFR §1.17(e))					\$ 810.00
Claims	Claims Remaining After Amendment		Highest Number Previously Paid	No. of Extra Claims Present	
Total Claims	131	Minus	131	0	\$ 50.00
Independent Claims	34	Minus	34	0	\$ 210.00
Multiple Dependent Claim(s) (if applicable)					\$ 370.00
<p style="text-align: center;"><u>Extension of Term</u></p> <p>a. <input checked="" type="checkbox"/> Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.</p> <p>b. <input type="checkbox"/> Applicant petitions for an extension of time, the fees for which are set out in 37 CFR §1.17(a)(1)-(4), for the total number of months checked below:</p> <p style="margin-left: 40px;"><input type="checkbox"/> One Month (37 CFR 1.17(a)(1)) ..... \$ 120.00</p> <p style="margin-left: 40px;"><input type="checkbox"/> Two Months (37 CFR 1.17(a)(2)) ..... \$ 460.00</p> <p style="margin-left: 40px;"><input type="checkbox"/> Three Months (37 CFR 1.17(a)(3)) ..... \$1,050.00</p> <p style="margin-left: 40px;">If an additional extension of time is required, please consider this a petition therefor.</p> <p style="margin-left: 40px;"><input type="checkbox"/> An extension for _____ months has already been secured, and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.</p>					
<b>TOTAL OF ABOVE CALCULATIONS =</b>					\$ 810.00
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR §1.27.					\$ 405.00
<b>TOTAL FEES DUE =</b>					\$ 405.00

6. Payment of Fees

☒ A check in the amount of \$405.00 is enclosed.

☐ Charge Deposit Account 50-1446 in the amount of \$.

☐ The Total Fees Due were paid via EFS on Form PTO

7. Authorization to Charge Additional Fees or Credit Overpayment

☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446 (a duplicate copy of this sheet is enclosed):

☒ Any additional fees required under 37 CFR §1.17(e), §1.16(b)-(d) and/or §1.17(a)(1)-(4).

Respectfully submitted,

October 31, 2007

Date



Kevin C. Brown  
Reg. No. 32,402

KCB:jms

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